

Appln. No. 10/710,130
Docket No. 146903 / GEM-0134

RECEIVED
CENTRAL FAX CENTER
APR 06 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.:	10/710,130	:	Confirmation No.:	4129
Applicant:	Jinhua Huang	:	Group Art Unit:	2832
Filed:	June 21, 2004	:	Examiner:	Donovan, Lincoln D
Docket No.:	146903 / GEM-0134	:		

For: A MAGNET FIELD GENERATING DEVICE AND METHOD OF SHIMMING THEREOF

April 6, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SPECIES RESTRICTION REQUIREMENT WITH TRAVERSE

Sir:

In response to the office action dated March 7, 2005, Applicant hereby elects the species of Embodiment 1, Figure 1, *with traverse*.

Remarks/Arguments begin on page 2 of this paper.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to 703-822-9306 or Express Mail No. _____ to the United States Patent and Trademark Office on the date shown below.

Jessica L. Huston
Name

Jessica L. Huston
Signature

4/6/2005
Date

Appl. No. 10/710,130
Docket No. 146903 / GEM-0134

REMARKS / ARGUMENTS

Applicant has elected the species of Embodiment 1, Figure 1, with traverse, and submits that Claims 1-15, 21-23, and 28-31, each read on Embodiment 1.

However, Applicant also respectfully traverses this Restriction/Election requirement for the following reasons.

The Examiner alleges that Figures 1-8 are each directed to a patentably distinct species, and that none of the claims are generic.

In respectful disagreement with the Examiner, Applicant submits that independent Claims 1, 21 and 28 each read on Figure 1 and are therefore generic to Embodiment 1.

Additionally, Applicant respectfully submits that Figures 1-6 are not illustrative of individual species, but are illustrative of different levels of detail of the claimed device.

For example, Paragraph [0020] describes the embodiment of Figure 2 as being a portion of the embodiment of Figure 1, where "magnetic field generating device 100 [Figure 2]... may be used to produce each magnet 40 of magnet assembly 10 [Figure 1]."

Paragraph [0020] describes in more detail the embodiment of Figure 3, which is the PM arrangement 105 also illustrated in Figure 2.

Paragraph [0023] describes in more detail the embodiment of Figures 4 and 5, which are alternative arrangements of magnet shims 140, 145 also illustrated in Figure 2.

Paragraph [0024] describes in more detail the embodiment of Figure 6, which is an alternative arrangement of transition layer 135 also illustrated in Figure 2.

For clarity, Applicant has chosen to illustrate the claimed invention by using more than one figure, and from the foregoing, it will be appreciated that Figure 1 is illustrative of a high level description of the invention, while Figures 2-6 are illustrative of detailed levels of description of the same invention.

In view of Claims 1, 21 and 28 being both independent and directed to Embodiment 1, and Figures 1-6 being illustrative of different levels of detail of the claimed invention, Applicant respectfully submits that a restriction of the species identified as the embodiments of Figures 1-6 for examination purposes is improper.

Appl. No. 10/710,130
Docket No. 146903 / CEM-0134

For at least this reason, this Restriction Requirement is wholeheartedly traversed, and removal of the Requirement, at least with respect to the improper groupings noted above, is respectfully requested.

Furthermore, Applicant submits that while the invention of Embodiments 7-8 is directed to a different statutory class to the invention of Embodiments 1-6, Applicant submits that an examination of the invention of Embodiments 1-6 will inevitably result in the search of art relating to the invention of Embodiment 7-8, since the art associated with the inventions of Embodiments 1-6 and 7-8 are related by their purpose.

Accordingly, and in accordance with MPEP §803, Applicant respectfully submits that a search and examination of Embodiments 1-6 and 7-8 may be made without serious burden to the Examiner, and that by removing the serious burden criteria that is required for proper restriction, Applicant submits that a proper requirement for restriction is not established.

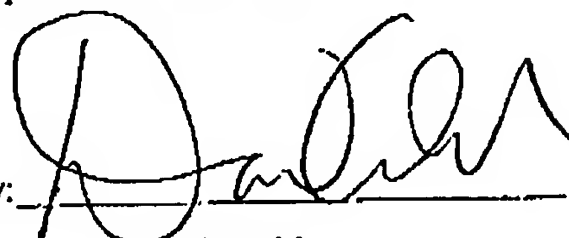
For at least this additional reason, this Restriction Requirement is wholeheartedly traversed, at least with respect to Embodiments 1-6 and 7-8, and removal of the Requirement with respect thereto is respectfully requested.

Accordingly, consideration and allowance of all claims, or at least with respect to Claims 1-15, 21-23, and 28-31, is respectfully requested. The foregoing is believed to be fully responsive to this office action.

Appln. No. 10/710,130
Docket No. 146903 / C/M-0134

If there are any charges with respect to this correspondence, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's Attorneys.

Respectfully submitted,
CANTOR COLBURN LLP
Applicant's Attorneys

By: 

David Arnold
Registration No: 48,894
Customer No. 23413

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115